

U.S. DISTRICT JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CINDY L. HOFFERBER,)	
)	CIVIL NO. 3:19-cv-05636-BHS
Plaintiff,)	
)	
vs.)	
)	ORDER
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the parties' stipulated motion for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on March 3, 2020, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the parties' briefing and the relevant record, the Court
2 hereby GRANTS the motion and awards Plaintiff \$4,757.76 in attorney's fees plus the \$400.00
3 filing fee for a total of \$5,157.76, subject to any offset allowed under the Treasury Offset Program.
4 *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to
5 Plaintiff's attorney: David Oliver & Associates, 2608 South 48th Street, Suite C, Tacoma, WA
6 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver &
7 Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through
8 the Federal Treasury Offset program.

9 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

10 Dated this 1st day of June, 2020.

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15 BENJAMIN H. SETTLE

16 United States District Judge

17 Presented by:

18 S/David P. OLIVER

19 David P. Oliver,
20 Attorney for Plaintiff
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